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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/707,158

11/24/2003

Philip Jeffrey Seaman

1157

36613 7590 05/15/2007

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EXAMINER

ARYANPOUR, MITRA

ART UNIT

PAPER NUMBER

3711

MAIL DATE

DELIVERY MODE

05/15/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/707,158

Applicant(s)

SEAMAN, PHILIP JEFFREY

Examiner

Mitra Aryanpour

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 11/24/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

1. Claim 19 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 06 April 2007.

### *Claim Rejections - 35 USC § 112*

2. Claims 1-18 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph. The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-8, 10-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Deal (5,156,394).

Regarding claim 1, as best the claims are understood, Deal discloses a basketball-training device comprising a bearing (the broadest reasonable interpretation of bearing would include rim 14 for supporting annular member 10) with one side capable of being rotated with respect to the

Art Unit: 3711

other side; one side of which is attached to an item selected from the group a plurality of hooks (mounting means 26), the other side of which is attached to an item selected from the following group: a facsimile goal (hoop 12 ); whereby balls can be returned to any area of the court.

Regarding claim 2, Deal further shows the device (see figures 20-25) can be attached to or removed from a basketball goal (12) by use of the hooks and a shepherds crook (pole 86 having an end point 88 and a hook 90; see figure 17).

Regarding claim 3, Deal shows a chute (combination of annular member 10 and netting 18) can be attached to and removed from the bearing (14) by means of the shepherds crook (86).

Regarding claim 4, Deal shows the hooks (26) are made of a strong but springy material various embodiments have been disclosed for the mounting means; see column 3, lines 42-68 and column 4, lines 1-30).

Regarding claim 5, Deal shows the plurality of hooks (26) fold allowing the device to be smaller (second embodiment pertaining to figures 5 and 6).

Regarding claim 6, Deal shows the chute (combination of 10 and 18) is foldable allowing the chute to be substantially smaller.

Regarding claim 7, Deal shows the passage is restricted by one of the items selected from the group: the hooks (26).

Regarding claim 8, Deal shows the device does not rest on the floor (see figures 1 and 17).

Regarding claim 10, Deal further shows the means by which the bearing (14) is attached to the basketball goal (12) does not interfere with the top surface of the basketball goal (see figures 26-30).

Art Unit: 3711

Regarding claim 11, as best understood Deal discloses in combination a device comprising: an item selected from the following group: a facsimile of a basketball goal (12) and a chute (combination of annular member 10 and netting 18); the direction of the basketball return can be easily changed and the other side of which is connected to a means to attach to a basketball goal selected from the following group a plurality of hooks (26), whereby the device can be connected to a basketball goal either temporarily or permanently. It is noted that "the balls can be directed away from the basketball goal which is connected to one side of a rotatable bearing member consisting of at least two parts rotatable with respect to each other" as presented is a functional limitation and does not alter the structure of the claimed device.

Regarding claim 12, Deal further shows the device can be attached to and removed from the basketball goal by use of a hooks (26) and a shepherds crook (pole 86 having an end point 88 and a hook 90; see figure 17).

Regarding claim 13, note the rejection of claim 4.

Regarding claim 14, note the rejection of claim 5.

Regarding claim 15, note the rejection of claim 3.

Regarding claim 16, note the rejection of claim 6.

Regarding claim 17, note the rejection of claim 7.

Regarding claim 18, note the rejection of claim 8.

***Allowable Subject Matter***

5. Claim 9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Art Unit: 3711

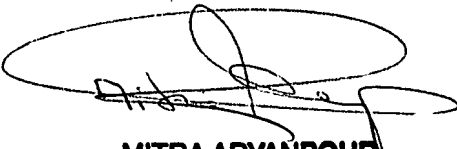
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mitra Aryanpour whose telephone number is 571-272-4405. The examiner can normally be reached on Monday - Friday 10:00 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Kim can be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MA  
08 May 2007



**MITRA ARYANPOUR  
PRIMARY EXAMINER**